

# EXHIBIT 1

IN THE COURT OF COMMON PLEAS  
CRIMINAL DIVISION

THE STATE OF OHIO, )  
                        )  
                        Plaintiff, )  
                        )  
-v-                    ) Case No. CR-654013-A  
                        )  
JACOB WOHL AND      )                         CR-654013-B  
JOHN BURKMAN          )  
                        C/A No. N/A  
                        )  
                        Defendants.)

DEFENDANT'S TRANSCRIPT OF PROCEEDINGS

#### APPEARANCES:

MICHAEL O'MALLEY, ESQ.,  
Prosecuting Attorney,  
by: JAMES GUTIERREZ, ESQ., Assistant County  
Prosecutor,

On behalf of the Plaintiff;

MARK WIECZOREK, ESQ.,

On behalf of the Defendant Wohl,

BRIAN JOSLYN, ESQ.

On behalf of the Defendant Burkman.

Mary E. Schuler, RMR  
Official Court Reporter  
Cuyahoga County, Ohio

1 THE STATE OF OHIO, )  
2 ) SS: JOHN SUTULA, J.  
COUNTY OF CUYAHOGA.)

3 IN THE COURT OF COMMON PLEAS  
4 CRIMINAL DIVISION

5 THE STATE OF OHIO, )  
6 )  
7 Plaintiff, )  
8 )  
-v- ) Case No. CR-654013-A  
JACOB WOHL AND ) CR-654013-B  
JOHN BURKMAN, ) C/A No. N/A  
9 Defendants.)  
10 - - - -

11 DEFENDANT'S TRANSCRIPT OF PROCEEDINGS  
12  
13 - - - -  
14

15 BE IT REMEMBERED, that at the September  
16 2022 term of said Court, to-wit, commencing on  
17 Monday, October 24, 2022, this cause came on to be  
18 heard before the Honorable John D. Sutula, in  
19 Courtroom No. 23-B, Courts Tower, Justice Center,  
20 1200 Ontario Avenue, Cleveland, Ohio, upon the  
21 indictment filed heretofore.  
22  
23 - - - -  
24  
25

1 MONDAY MORNING SESSION, OCTOBER 24, 2022

2 PLEA

3 THE COURT: We're here in Case Number  
4 654013, the State of Ohio vs. Jacob Wohl and John  
5 Burkman. Each is charged in a 15-count  
6 indictment. Count 1 against each defendant --  
7 let's put it this way. Counts 1, 3, 5, 7, 9, 11,  
8 13 and 15 against each defendant are all  
9 telecommunications fraud charges each in violation  
10 of Revised Code Section 2913.05.

11 Against both defendants Counts 2, 4, 6,  
12 8, 10, 12, 14, are all bribery charges each in  
13 violation of Revised Code Section 29 -- I'm sorry  
14 3599.01.

15 Since all these acts allegedly occurred  
16 on or after July 1, 1996, the applicable law is  
17 the criminal code for the State of Ohio as  
18 modified by Senate Bill 2 and its subsequent  
19 amendments.

20 Present is Mr. Wohl along with his  
21 counsel Mark Wieczor --

22 MR. WIECZOREK: Wieczorek.

23 THE COURT: I'll believe you.

24 MR. WIECZOREK: Thank you, your  
25 Honor.

1                   THE COURT:           And Mr. Burkman is  
2 present along with his counsel Brian Joslyn.

3                   Representing the interests of the State  
4 is Assistant County Prosecutor James Gutierrez.

5                   Mr. Gutierrez.

6                   MR. GUTIERREZ:       Thank you, your  
7 Honor. May it please the Court.

8                   Judge, you are correct in the indictment  
9 and the number of counts.

10                  Judge, it's my understanding at this time  
11 both defendants wish to withdraw their previous  
12 not guilty pleas and enter a guilty plea to Count  
13 number 15 which covers all the calls the 3400  
14 calls that were made in Cuyahoga County. That is  
15 telecommunication fraud. That is a felony of the  
16 fifth degree. Carries a possible six months to 12  
17 months in jail and a \$2,500 fine or both.

18                  It's my understanding at this time that  
19 both defendants have agreed to pay the maximum  
20 fine, Judge, regarding that.

21                  There have been no threats or promises  
22 made to these defendants concerning this plea and  
23 no threats or promises made to these defendants  
24 concerning the sentence.

25                  Thank you, your Honor.

1                   THE COURT:           Thank you.

2                   Mr. Wieczorek --

3                   MR. WIECZOREK:       Yes, Judge.

4                   THE COURT:        -- for Mr. Wohl?

5                   MR. WIECZOREK:       Thank you, your  
6 Honor. That is correct. We offer a guilty plea  
7 to Count 15 with the understanding that the matter  
8 be set for sentencing sometime out and a PSI be  
9 ordered.

10                  THE COURT:        Have you spoken to your  
11 client about his constitutional rights?

12                  MR. WIECZOREK:      I have, your Honor.

13                  THE COURT:        All right.

14                  And Mr. Joslyn as to Mr. Burkman?

15                  MR. JOSLYN:        Yes, the same, your  
16 Honor. I've advised him of his constitutional  
17 rights, the maximum penalties. My understanding  
18 is we'd be proceeding forward today with an order  
19 for PSI and set up for sentencing.

20                  THE COURT:        Mr. Wohl and Mr. Burkman,  
21 I'll be asking you a series of questions. Always  
22 answer in order. Keep your voice up. I don't  
23 want to have to remind you.

24                  Do you understand?

25                  DEFENDANT WOHL:     Yes, sir.

1 DEFENDANT BURKMAN: Yes, your Honor.  
2 THE COURT: State your name and age,  
3 please.

4 DEFENDANT WOHL: My name is Jacob  
5 Wohl and I am 24 years old.

6 DEFENDANT BURKMAN: My name is John  
7 Burkman, your Honor. I'm 56 years old.

8 THE COURT: What's the highest level  
9 education you attained in school?

10 DEFENDANT WOHL: High school.

11 DEFENDANT BURKMAN: Law school.

12 THE COURT: Do you have the ability  
13 to read and write?

14 DEFENDANT WOHL: Yes, your Honor.

15 DEFENDANT BURKMAN: Yes, your Honor.

16 THE COURT: Are you currently under  
17 the influence of any drugs, alcohol or medication  
18 that would adversely affect your ability to  
19 understand what is happening or to enter into a  
20 plea?

21 DEFENDANT WOHL: No, your Honor.

22 DEFENDANT BURKMAN: No, your Honor.

23 THE COURT: Have any threats or  
24 promises been made to you to induce you to change  
25 your plea?

1 DEFENDANT WOHL: No, sir.

2 DEFENDANT BURKMAN: No.

3 THE COURT: Do you in fact understand  
4 what is happening today's?

5 DEFENDANT WOHL: Yes.

6 DEFENDANT BURKMAN: Yes, your Honor.

7 THE COURT: Are each of you satisfied  
8 with the services of your lawyer?

9 Mr. Wohl, are you satisfied with  
10 Mr. Wiecz --

11 MR. WIECZOREK: Wieczorek.

12 THE COURT: Wieczorek?

13 DEFENDANT WOHL: Yes. Very much so,  
14 your Honor.

15 THE COURT: Mr. Burkman, are you  
16 satisfied with Mr. Joslyn?

17 DEFENDANT BURKMAN: Yes, very much,  
18 your Honor. Thank you.

19 THE COURT: Are either of you on  
20 community-control sanctions, probation,  
21 post-release control or parole?

22 DEFENDANT WOHL: No.

23 DEFENDANT BURKMAN: No, your Honor.

24 THE COURT: Are you a citizen of the  
25 United States?

1 DEFENDANT WOHL: Yes, your Honor.

2 DEFENDANT BURKMAN: Yes, your Honor.

3 THE COURT: Mr. Wohl and Mr. Burkman,  
4 even though your lawyers have already explained  
5 your rights to you, I must be satisfied that you  
6 understand your rights.

7 Do each of you understand that you're  
8 presumed innocent in this case and that by  
9 entering a plea of guilty to the amended  
10 indictment that you admit to the truth of those  
11 facts and your full guilt?

12 DEFENDANT WOHL: Yes, your Honor.

13 DEFENDANT BURKMAN: Yes, your Honor.

14 THE COURT: Do each of you understand  
15 that you have a right to trial, your choice of  
16 either a jury trial or to the Court at which time  
17 the State must prove you guilty and that you're  
18 giving up that right?

19 DEFENDANT WOHL: Yes.

20 DEFENDANT BURKMAN: Yes, your Honor.

21 THE COURT: Do you understand you  
22 have the right to confront and cross-examine  
23 witnesses the State must bring forth at a trial of  
24 your case and that you're giving up that right?

25 DEFENDANT WOHL: Yes.

1 DEFENDANT BURKMAN: Yes, your Honor.

2 THE COURT: Do you understand you  
3 have a right to subpoena witnesses to testify in  
4 your favor at a trial of your case and that you're  
5 giving up that right?

6 DEFENDANT WOHL: Yes.

7 DEFENDANT BURKMAN: Yes, your Honor.

8 THE COURT: Do you understand you  
9 have the right to have the State prove you guilty  
10 beyond a reasonable doubt at the trial of your  
11 case and that you're giving up that right?

12 DEFENDANT WOHL: Yes.

13 DEFENDANT BURKMAN: Yes, your Honor.

14 THE COURT: Do you understand you  
15 have the right not to testify at the time of the  
16 trial in your case which no one may use against  
17 you and that you're giving up that right?

18 DEFENDANT WOHL: Yes.

19 DEFENDANT BURKMAN: Yes, your Honor.

20 THE COURT: And do you understand  
21 that the Court could proceed with judgment and  
22 sentence you immediately after your plea?

23 DEFENDANT WOHL: Yes, your Honor.

24 DEFENDANT BURKMAN: Yes, your Honor.

25 THE COURT: All right. Thank you.

1       Based upon the statements of the prosecuting  
2 attorney and your lawyers, I believe it is your  
3 intention to plead guilty in the following manner,  
4 that each of you would plead guilty to Count 15,  
5 this is a telecommunications fraud charge in  
6 violation of Revised Code Section 2913.05.

7                 This is a felony of the fifth degree. A  
8 felony of the fifth degree is punishable by time  
9 of incarceration in prison in monthly increments  
10 of between six and 12 months inclusive and/or a  
11 fine of up to \$2,500. Do you understand?

12                 DEFENDANT WOHL:         Yes, your Honor.

13                 DEFENDANT BURKMAN:         Yes, your Honor.

14                 THE COURT:                 Now, if the Court imposes  
15 a prison term upon the completion of that term the  
16 State of Ohio Adult Parole Authority will  
17 administer post-release control pursuant to  
18 Revised Code Section 2965.28 for a period of time  
19 of up to two years at the discretion of the Adult  
20 Parole Authority.

21                 If you were to fail to meet the terms and  
22 conditions of any post-release control supervision  
23 imposed upon you, then the Adult Parole Authority  
24 can modify and/or extend your supervision and make  
25 it more restrictive, incarcerate you for up to

1 one-half the original sentence imposed by the  
2 Court, charge you with a new offense called  
3 escape, another felony where you face additional  
4 prison time, and if you were to commit a new crime  
5 while under the post-release control you, could  
6 face the maximum penalties under the law for the  
7 new crime committed plus a prison term of the  
8 greater of one year or the remaining time on your  
9 post-release control, which must run consecutive  
10 to any new time that you receive.

11                  Do you understand?

12                  DEFENDANT WOHL:        Yes, sir.

13                  DEFENDANT BURKMAN:      Yes, your Honor.

14                  THE COURT:                Each of you may be  
15 eligible for earned days of credit under the  
16 circumstances specified under Revised Code Section  
17 2967.193. To earn the credit, it's not automatic,  
18 you may only do so by productive participation in  
19 educational, vocational or substance abuse  
20 treatment programs or prison industrial employment  
21 for up to eight percent of your stated term.

22                  Do you understand?

23                  DEFENDANT WOHL:        Yes, your Honor.

24                  DEFENDANT BURKMAN:     Yes, your Honor.

25                  THE COURT:               You could be placed under

1 a community-control sentence for up to five years  
2 and if you violate the terms of that sentence,  
3 break another law or leave the state without  
4 permission, you could receive a more extended  
5 sentence including prison time.

6 Do you understand?

7 DEFENDANT WOHL: Yes, your Honor.

8 DEFENDANT BURKMAN: Yes, your Honor.

9 THE COURT: Now, there's some talk  
10 about the maximum penalties on -- for fines here.  
11 However, you know the sentencing is up to the  
12 Court. Do you understand that?

13 DEFENDANT WOHL: Yes, your Honor.

14 DEFENDANT BURKMAN: Yes.

15 THE COURT: The Court is not bound by  
16 any agreement that you have with the State as to  
17 what sentencing is. That's a final decision for  
18 the Court to make. Do you understand?

19 DEFENDANT WOHL: Yes, your Honor.

20 DEFENDANT BURKMAN: Yes, your Honor.

21 THE COURT: Both counsel understand  
22 that also?

23 MR. WIECZOREK: Understood Judge.

24 MR. JOSLYN: Yes, your Honor.

25 THE COURT: All right. Thank you.

1           Now, if you enter a plea of guilty, the  
2 Court can impose on you court costs, any mandatory  
3 fines, require the payment of any restitution,  
4 supervision fees and costs of confinement.

5           If you fail to timely pay court costs and  
6 fees as ordered or according to an approved  
7 schedule, then the Court could order you to  
8 perform up to 40 additional hours of court  
9 community work service per month at the current  
10 rate of \$9 per hour until such time as the  
11 judgment is paid or the default in the schedule is  
12 brought back into compliance. Each completed hour  
13 of court community work service will reduce the  
14 outstanding balance and the hourly rate could  
15 change.

16           Do you understand?

17           DEFENDANT WOHL:       Yes, your Honor.

18           DEFENDANT BURKMAN:     Yes, your Honor.

19           THE COURT:            Have any threats or  
20 promises been made to either of you other than  
21 what has been stated in open court and on the  
22 record today in your case?

23           DEFENDANT WOHL:       No, your Honor.

24           DEFENDANT BURKMAN:     No, your Honor.

25           THE COURT:            Do each of you understand

1 there is no promise of a particular sentence?

2 DEFENDANT WOHL: Yes, your Honor.

3 DEFENDANT BURKMAN: Yes, your Honor.

4 THE COURT: All right. Thank you.

5 Counsel, have I complied with the  
6 requirements of Criminal Rule 11?

7 MR. WIECZOREK: Yes, your Honor.

8 MR. JOSLYN: Yes, your Honor.

9 MR. GUTIERREZ: Yes, your Honor.

10 THE COURT: All right. Thank you.

11 Let the record reflect that the Court is  
12 satisfied that Mr. Wohl and Mr. Burkman have both  
13 been informed of their constitutional rights, that  
14 each understands the nature of the charges, the  
15 effect of a plea and the maximum penalties which  
16 may be imposed in their individual cases.

17 The Court further finds that Mr. Wohl's  
18 and Mr. Burkman's pleas will be made knowingly,  
19 voluntarily and intelligently.

20 Mr. Wohl and Mr. Burkman, how do each of  
21 you plead to Count 15, telecommunications fraud in  
22 violation of Revised Code Section 2913.05, a  
23 felony of the fifth degree for each of you?

24 DEFENDANT WOHL: Guilty, your Honor.

25 DEFENDANT BURKMAN: Guilty, your

1 Honor.

2 THE COURT: Thank you. I accept your  
3 pleas of guilty and find you guilty thereon. I'll  
4 dismiss Counts 1 through 14 for each of you.

5 You both will be referred to the  
6 probation department for a presentence  
7 investigation report and you'll be brought back  
8 for sentencing.

9 And I understand we talked about a Zoom  
10 hearing for sentencing on November 29 of this year  
11 at 11:00.

12 MR. JOSLYN: Yes, your Honor.

13 MR. WIECZOREK: May I approach, your  
14 Honor?

15 THE COURT: Yes, you may.

16 Do you know where to go?

17 MR. WIECZOREK: Yes, sir. Seventh  
18 floor. Good to see you, sir.

19 MR. JOSLYN: Thank you.

20 - - - - -

21 (Thereupon, Court was adjourned.)

22 - - - - -

23

24

25